IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 15TH MAY 2007 / 25TH VAISAKHA 1929

WP(C).No. 14987 of 2007(H)

PETITIONER:

P. GANGADHARAN NAIR,
MEMBER, BOARD OF DIRECTORS, KERALA STATE
CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT
BANK LTD., THIRUVANANTHAPURAM.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION,GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P.(C).No.14987 of 2007

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Dated this the 15th day of May, 2007.

J U D G M E N T

Petitioner, is the President of the Kasaragod Primary Co-operative Agricultural & Rural Development Bank Ltd., which is affiliated to the Kerala State Co-operative Agricultural & Rural Development Bank Ltd., (hereinafter referred to as 'the Apex Bank'). Petitioner was elected to the Board of Directors of the Apex Bank in March 2004 and is continuing as such. To cut a long story short, Ext.P9 is a show cause notice issued by the 2nd Respondent calling upon the petitioner as to why he shall not be held to be disqualified to be a member of the Board of Directors of the Apex Bank. Though this was challenged before this Court in W.P.(C) No.10035 of 2007, that was disposed of by Ext.P10 judgment directing consideration of Ext.P11 objections filed against Ext.P9. Subsequently, Ext.P12 order was passed under Rule 46 (e) confirming the Ext.P9 show cause notice and holding the petitioner to be disqualified to continue his membership in the Board of Directors of the Apex Bank. Aggrieved by Ext.P12, petitioner filed Ext.P15 appeal before the 1st respondent under Section 83 (1) (j) of the Kerala Co-operative Societies Act, along with Ext.P16 application seeking stay of implementation of Ext.P12 order of the 2nd respondent. Complaining of inordinate delay in the disposal of the appeal and stay petition and apprehending that Ext.P12 order will be implemented in the meanwhile, this writ petition has been filed seeking appropriate reliefs.

2. Exts.P15 and P16 have been filed invoking the appellate powers of the 1st respondent under Section 83(1)(j) of the Kerala Co-operative Societies Act and the 1st respondent being the statutory authority is duty bound to consider and dispose of the same without delay, particularly, in the nature of the allegations including those of malafides raised by the petitioner. In the circumstances I see no reason why the 1st respondent should not be directed to dispose of Ext.P15 as expeditiously as possible. It is noticed that this court had occasion to consider an identical case in W.A.No. 376 of 2007 which was disposed of by Ext.P17 judgment dated 28th March 2007, directing disposal of an appeal, keeping in abeyance the order impugned and the facts situation of this case is similar.

3. Though the petitioner has sought several substantial reliefs, I am not inclined to consider the same, as at this stage, it is for the Appellate Authority deal with the matter and pass a reasoned order. In the circumstances, the writ petition is disposed of directing the 1st respondent to consider and pass orders on Ext.P15 appeal with notice to the petitioner as expeditiously as possible at any rate within 2 months from the date of receipt of a copy of the judgment. In the meanwhile, further proceedings pursuant to Ext.P12 shall be kept in abeyance. It is made clear that I have not expressed any opinion on the contentions raised or the merits of the matter.

4. Petitioner is directed to produce a copy of the judgment before the respondents for compliance.

The Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE

ess 15/5.